

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HOUSE BILL 2314

AN ACT

AMENDING SECTIONS 13-1604, 44-1642, 44-1644 AND 44-1646, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 11, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1647; RELATING TO SCRAP METAL DEALERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-1604, Arizona Revised Statutes, is amended to  
3 read:  
4 13-1604. Aggravated criminal damage; classification  
5 A. A person commits aggravated criminal damage by intentionally or  
6 recklessly without the express permission of the owner:  
7 1. Defacing, damaging or in any way changing the appearance of any  
8 building, structure, personal property or place used for worship or any  
9 religious purpose.  
10 2. Defacing or damaging any building, structure or place used as a  
11 school or as an educational facility.  
12 3. Defacing, damaging or tampering with any cemetery, mortuary or  
13 personal property of the cemetery or mortuary or other facility used for the  
14 purpose of burial or memorializing the dead.  
15 4. DEFACING, DAMAGING OR TAMPERING WITH ANY UTILITY OR AGRICULTURAL  
16 INFRASTRUCTURE OR PROPERTY FOR THE PURPOSE OF OBTAINING NONFERROUS METALS AS  
17 DEFINED IN SECTION 44-1641.  
18 B. Aggravated criminal damage is punishable as follows:  
19 1. ~~Aggravated criminal damage is a class 4 felony~~ If the person  
20 intentionally or recklessly does any act described in subsection A OF THIS  
21 SECTION which causes damage to the property of another in an amount of ten  
22 thousand dollars or more, AGGRAVATED CRIMINAL DAMAGE:  
23 (a) RESULTING FROM ACTIONS DESCRIBED IN SUBSECTION A, PARAGRAPH 1, 2  
24 OR 3 OF THIS SECTION IS A CLASS 4 FELONY.  
25 (b) RESULTING FROM ACTIONS DESCRIBED IN SUBSECTION A, PARAGRAPH 4 OF  
26 THIS SECTION IS A CLASS 3 FELONY.  
27 2. ~~Aggravated criminal damage is a class 5 felony~~ If the person  
28 intentionally or recklessly damages property of another in an amount of one  
29 thousand five hundred dollars or more but less than ten thousand dollars,  
30 AGGRAVATED CRIMINAL DAMAGE:  
31 (a) RESULTING FROM ACTIONS DESCRIBED IN SUBSECTION A, PARAGRAPH 1, 2  
32 OR 3 OF THIS SECTION IS A CLASS 5 FELONY.  
33 (b) RESULTING FROM ACTIONS DESCRIBED IN SUBSECTION A, PARAGRAPH 4 OF  
34 THIS SECTION IS A CLASS 4 FELONY.  
35 3. In all other cases aggravated criminal damage is:  
36 (a) A class 6 felony IF IT RESULTS FROM ACTIONS DESCRIBED IN  
37 SUBSECTION A, PARAGRAPH 1, 2 OR 3 OF THIS SECTION.  
38 (b) A CLASS 5 FELONY IF IT RESULTS FROM ACTIONS DESCRIBED IN  
39 SUBSECTION A, PARAGRAPH 4 OF THIS SECTION.  
40 C. In determining the amount of damage to property, damages include  
41 the cost of repair or replacement of the property that was damaged AND THE  
42 COST OF THE LOSS OF CROPS AND LIVESTOCK.



1 the business premises inspected. The scrap metal dealer may require the  
2 peace officer to sign an inspection log that includes the officer's name and  
3 serial or badge number and the time, the date and the purpose for the  
4 inspection.

5 C. A SCRAP METAL DEALER SHALL NOT PROVIDE PAYMENT FOR ANY SCRAP METAL  
6 ON SITE AT THE TIME OF THE SCRAP METAL TRANSACTION. PAYMENT SHALL BE MADE BY  
7 MAILING A CHECK OR MONEY ORDER TO A PHYSICAL ADDRESS PROVIDED BY THE SELLER  
8 THROUGH A CURRENT DRIVER LICENSE OR OTHER IDENTIFICATION PRESCRIBED IN  
9 SUBSECTION A, PARAGRAPH 4 OF THIS SECTION. THE CHECK OR MONEY ORDER SHALL BE  
10 MADE PAYABLE TO THE BUSINESS NAME FOR AN INDUSTRIAL ACCOUNT. THIS  
11 SUBSECTION:

12 1. EXCEPT AS PROVIDED IN PARAGRAPHS 2 AND 3 OF THIS SUBSECTION, ONLY  
13 APPLIES TO INDUSTRIAL ACCOUNTS, COPPER AND ALUMINUM WIRE WITH A DIAMETER OF  
14 AT LEAST THREE-EIGHTHS OF AN INCH.

15 2. EXCEPT AS PROVIDED IN PARAGRAPH 3 OF THIS SUBSECTION, APPLIES TO  
16 ALL SCRAP METAL TRANSACTIONS OF THREE HUNDRED DOLLARS OR MORE.

17 3. DOES NOT APPLY TO INDUSTRIAL ACCOUNTS IF THE INDUSTRIAL ACCOUNTS  
18 ANNUALLY PREREGISTER EMPLOYEES WHO ARE AUTHORIZED SELLERS ON BEHALF OF THE  
19 INDUSTRIAL ACCOUNTS.

20 D. A SCRAP METAL DEALER SHALL PROVIDE A RECEIPT TO THE SELLER ON SITE  
21 AT THE TIME OF THE SCRAP METAL TRANSACTION, FOR EVERY TRANSACTION, AND SHALL  
22 INCLUDE THE FOLLOWING INFORMATION:

23 1. THE DATE, TIME AND PLACE OF THE TRANSACTION.

24 2. AN IDENTIFYING DESCRIPTION AND WEIGHT OF THE SPECIFIC SCRAP METAL  
25 RECEIVED.

26 3. THE DOLLAR AMOUNT OF THE TRANSACTION.

27 E. A SCRAP METAL SELLER MAY NOT CONDUCT A SERIES OF TRANSACTIONS FOR  
28 ONE VEHICLE LOAD OF SCRAP METAL TO AVOID THE REQUIREMENTS OF THIS SECTION.

29 F. A SCRAP METAL SELLER SHALL NOT PARTICIPATE IN MORE THAN ONE CASH  
30 TRANSACTION PER DAY FOR SCRAP METAL.

31 G. A SCRAP METAL SELLER SHALL BE AT LEAST EIGHTEEN YEARS OLD.

32 H. THIS SECTION DOES NOT APPLY TO TRANSACTIONS INVOLVING USED BEVERAGE  
33 CONTAINERS OR MATERIALS CONSISTING OF ONE HUNDRED PER CENT FERROUS METAL.

34 Sec. 3. Section 44-1644, Arizona Revised Statutes, is amended to read:

35 44-1644. Report to law enforcement agencies; exemption;  
36 violation; classification

37 A. Within twenty-four hours of receipt of scrap metals, except from an  
38 industrial account or a scrap metal dealer, for which a record is required to  
39 be kept by section 44-1642, a scrap metal dealer shall deliver to the local  
40 law enforcement agency a record of the receipt of the scrap metals. The  
41 record shall include the following information:

42 1. The date, time and place of the receipt of the scrap metal.

43 2. An identifying description of the specific scrap metal received  
44 including the weight and amount paid or other consideration given.

